

S/N 10/089,431

PATENTREMARKS

Favorable review is requested in view of the above amendments and following remarks. Editorial amendments have been made to claim 1, 3, 11, and 13. Claims 21 - 28 have been added and are supported, for example, by original claims 1 - 20. No new matter has been added. Claims 1 - 28 are pending in the application.

Rejection under 35 U.S.C. § 102

Claims 1 - 3 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hille et al. (U.S. Patent No. 5,700,480). Applicants respectfully traverse this rejection, and respectfully request reconsideration in view of the following comments.

Claim 1 requires an ophthalmic transdermal patch comprising a drug-containing layer uniformly containing in a base matrix polyoxyethylene oleyl ether. Hille et al. do not disclose or suggest an ophthalmic transdermal patch comprising a drug-containing layer uniformly containing in a base matrix polyoxyethylene oleyl ether. The polyoxyethylene oleyl ether of the present claimed invention enhances the transdermal adsorption of the drug. For example, Figures 3 and 4 reveal that polyoxyethylene oleyl ether enhances the transdermal adsorption of prednisolone by approximately ten times over isopropyl myristate at thirty-six hours. Thus, withdrawal of the rejection is requested.

Claims 1 - 3 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Miranda et al. (U.S. Patent No. 5,656,286). Applicants respectfully traverse this rejection, and respectfully request reconsideration in view of the following comments.

Claim 1 requires an ophthalmic transdermal patch comprising a drug-containing layer uniformly containing in a base matrix polyoxyethylene oleyl ether. Miranda et al. do not disclose or suggest an ophthalmic transdermal patch comprising a drug-containing layer uniformly containing in a base matrix polyoxyethylene oleyl ether. The polyoxyethylene oleyl ether of the present claimed invention enhances the transdermal adsorption of the drug. For example, Figures 3 and 4 reveal that polyoxyethylene oleyl ether enhances the transdermal adsorption of prednisolone by approximately ten times over isopropyl myristate at thirty-six hours. Thus, withdrawal of the rejection is requested.

S/N 10/089,431

PATENT

Claims 1 - 3, 6, 11 - 13, and 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Deurer et al. (U.S. Patent No. 5,869,086). Applicants respectfully traverse this rejection, and respectfully request reconsideration in view of the following comments.

Claims 1 and 11 require an ophthalmic transdermal patch comprising a drug-containing layer uniformly containing in a base matrix polyoxyethylene oleyl ether. Miranda et al. do not disclose or suggest an ophthalmic transdermal patch comprising a drug-containing layer uniformly containing in a base matrix polyoxyethylene oleyl ether. The polyoxyethylene oleyl ether of the present claimed invention enhances the transdermal adsorption of the drug. For example, Figures 3 and 4 reveal that polyoxyethylene oleyl ether enhances the transdermal adsorption of prednisolone by approximately ten times over isopropyl myristate at thirty-six hours. Thus, withdrawal of the rejection is requested.

Rejection under 35 U.S.C. § 103

Claims 4, 5, 7 - 10, 14, 15, and 17 - 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Deurer et al. (above) in view of Fukiage et al. (EP 0 771 565). Applicants respectfully traverse this rejection, and respectfully request reconsideration in view of the following comments.

Deurer et al. are distinguished above as failing to disclose or suggest an ophthalmic transdermal patch comprising a drug-containing layer uniformly containing in a base matrix polyoxyethylene oleyl ether. Fukiage et al. is relied upon to disclose N-(4-fluorophenylsulfonyl)-L-valyl-L-leucinal as the drug. Even if it does, which is not being conceded, this reference fails to remedy the noted shortcomings of Deurer et al. Thus, withdrawal of the rejection is requested.

S/N 10/089,431

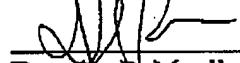
PATENTConclusion

In view of the above amendments and remarks, favorable reconsideration in the form of a Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: August 6, 2003


Douglas P. Mueller
Reg. No. 30,300
DPM/CAJ

